U.S. Serial No.: 09/535,105
Response to the Office action of 3/25/04

Customer No. 020991

Remarks

Claims 1-14 are pending and at issue in the above-identified patent application. Of the claims at issue, claims 1,7, 9, and 13 are independent. By way of the foregoing, claims 1 and 7 have been amended to eliminate language referring to steps to further clarify that such claims are not to be construed under 35 U.S.C. § 112, ¶6. It is respectfully submitted that such amendments are not limiting and have not been made for reasons related to patentability. In light of the following remarks, it is respectfully submitted that the pending claims are in condition for allowance and reconsideration is respectfully requested.

Claims 1-6 and 9-12

Claims 1 and 9 are directed to methods and apparatus to select digital objects for display in a digital program guide. Claims 1 and 9 recite receiving a digital object, determining first and second fuzzy variables associated with the digital object and determining a priority by mapping the first and second fuzzy variables onto a profile surface adapted for determining preferences associated with a television viewer. Claims 1 and 9 further recite comparing the priority to a predefined threshold and selecting the digital object for display in the electronic television program guide if the first priority crosses the predefined threshold.

The Office action rejected claims 1 and 9 as being anticipated by Lemmons (US 6,481,011). However, as explained below, reliance on Lemmons is misplaced because Lemmons fails to disclose selecting objects for display in a program guide based on a first priority and its relationship to a predefined threshold. Further, Lemmons fails to disclose the use of fuzzy variables or mapping the same to a profile surface.

Lemmons discloses a colorable program guide system in which a user can assign colors or other visual attributes to program guide components based on program characteristics such as titles, genres, actors, and the like. While Lemmons discloses a convenient manner in which to organize information in a program guide, Lemmons does not disclose or suggest selecting a digital object for display in a electronic television program guide if a priority crosses a predefined threshold. To the contrary, Lemmons discloses displaying all program guide information. In fact, Lemmons states that if a program "...does

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not fall within the preferred criteria [it] is also displayed, although without particular color coding" (Lemmons, 5:28-30). In other words, Lemmons does not disclose *which* programs should be displayed (all of them should), Lemmons discloses *how* programs should be displayed (e.g., colored, textured, etc.).

Further, Lemmons discloses that program guide coloring should be carried out based on concrete program characteristics provided by users. These characteristics include titles, actor names, topics, or genres that a viewer may or may not like. Lemmons does not disclose or suggest that fuzzy variables or profile surfaces could or should be used. In fact, the cited portions of Lemmons make no mention whatsoever of these features.

Because Lemmons does not disclose selection of programs for display (or, for that matter, exclusion of programs from the display), or the use of fuzzy variables and profile surfaces to make display decisions, it follows that Lemmons does not anticipate claims 1 and 9.

Further, claims 1 and 9 are not rendered obvious in view of Lemmons because there is no suggestion in Lemmons to modify the Lemmons system to determine which programs to display in the program guide or that such a determination could or should be performed using fuzzy variables and profile surfaces. In fact, Lemmons teaches away from excluding programs from display because Lemmons discloses displaying *all* programs, but discloses modifying the display of a subset of programs in the program guide based on program characteristics and user preferences. Accordingly, it is respectfully submitted that Lemmons does not render obvious claims 1 and 9, or any claims that depend therefrom.

Based on the foregoing deficiencies noted in the Lemmons reference, and the fact that Lemmons teaches away from the recitations in claims 1 and 9, it is respectfully submitted that claims 1-6 and 9-12 are in condition for allowance.

Claims 7-8 and 13-14

Independent claims 7 and 13 are directed to methods and apparatus that may be used to delete from memory digital objects associated with a television program guide. In particular, claims 7 and 13 recite determining first and second fuzzy variables associated with a digital object, determining a priority by mapping the first and second fuzzy variables onto a profile surface adapted for determining preferences associated with a television viewer, and

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selecting the digital object for deletion from memory if the priority crosses a predefined threshold.

The Office action rejected claims 7 and 13 as unpatentable over the combination of Lemmons and Lazarus (US 5,652,613). As described above, Lemmons employs user preferences to selectively color or otherwise highlight programs in an electronic program guide. Additionally, as described above, Lemmons does not utilize fuzzy variables or mapping to a profile surface. In addition to these deficiencies, Lemmons is deficient with respect to claims 7 and 13 in that it does not disclose or suggest deleting program guide objects from memory. This fact is conceded on page 7 of the Office action.

The Office action seeks to cure the deficiency of Lemmons using Lazarus. Lazarus is directed to an intelligent program guide memory management system and method. In particular, Lazarus discloses deleting the least valuable program guide information when additional memory is needed in the program guide system. The Lazarus system manages memory by first deleing all information that is obsolete and then by performing memory triage if available memory is still insufficient. Memory triage includes assessing program guide information value and deleting the least valuable program guide information. Lazarus discloses that value of program information is assessed by evaluating program age (length of time since they were stored) and a program value that has been assigned to the channel. However, for all of its disclosure, it is respectfully submitted that Lazarus does not disclose or suggest using fuzzy variables or mapping fuzzy variables to profile surfaces, as recited by claims 7 and 13.

Both Lemmons and Lazarus fail to disclose or suggest the use of fuzzy variables and the mapping of fuzzy variables to profile surfaces. It follows that no combination of these references can render obvious the claimed system.

In addition, even if fuzzy variables and desirability of mapping fuzzy variables to profile surfaces were disclosed in one or the other of Lemmons and Lazarus, there would be no motivation to make the combination of Lemmons and Lazarus that is suggested by the Office action. This is because the priority determination of Lemmons is directed to information highlighting, whereas Lazarus is directed to deleting programs. It is respectfully submitted that one of ordinary skill in the art would not be motivated to include the deletion
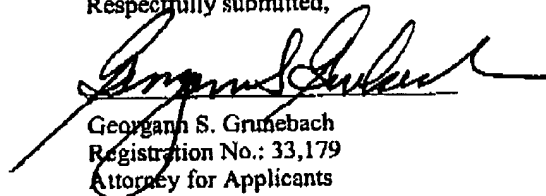
of Lazarus in the highlighting system of Lemmons because Lemmons solves the problem of
information overload in a program guide by highlighting particularly relevant information
while retaining all program guide information, whereas the Lazarus system deletes
superfluous information. In fact, the fact that the Lemmons system retains all information
counsels against the combination of Lemmons and Lazarus because the resulting combination
would yield a system that deletes information. This is in direct contravention to the teachings
of Lemmons.

Accordingly, it is respectfully submitted that claims 7 and 13, and any claims
dependent thereon, are in condition for allowance.

If there is any matter that the examiner would like to discuss, the examiner is invited
to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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